

Case No. 20070407

Carmen Snow, Sarah Meier, Jeanetta Williams, Pat Rusk, and Lamont Tyler (hereinafter “Sponsors”), as sponsors of the referendum petition challenging the enactment of House Bill 148, respectfully submit this response to the Petition for Review of Ballot Title on HB 148 and/or for an Extraordinary Writ; and for Emergency Relief Staying Deadline for Submission of Arguments on Referendum (hereinafter “Bramble Petition”) filed by petitioners Curtis S. Bramble et al. (“Bramble Petitioners”) on May 24, 2007.

Under Utah law, a challenge to a referendum ballot title may be brought only by “[a]t least three of the sponsors of the petition.” Utah Code § 20A-7-308(4)(a)(i). Because the Bramble Petitioners are not sponsors of the referendum on H.B. 148, they do not have standing to bring a challenge to the referendum ballot title. Nor, in view of the principle of expressio unius est exclusio alterius, is it proper for the Bramble Petitioners to seek via extraordinary writ the relief for which the statute denies them standing. For these reasons, the Bramble Petition should be denied.

Having said that, however, the Sponsors agree with the Bramble Petitioners that the issue raised in the Bramble Petition – namely, whether certain provisions of H.B. 148 that were repeated in the H.B. 174 amendatory bill can take effect regardless of the outcome of the referendum on H.B. 148 – is one of crucial importance. The Sponsors likewise agree with the Bramble Petitioners that prompt and authoritative resolution of that issue by this Court is necessary to resolve the dispute about the relationship between H.B. 148 and H.B. 174 and to determine whether the referendum on H.B. 148 set for November 6 will in fact prevent the Voucher Program established by that bill from taking effect. Finally, the Sponsors agree that the referendum ballot title prepared by the Office of Legislative Research and General Counsel does

not resolve this fundamental question, and that the ballot title should therefore be revised so that voters are not left in the dark about what they will be voting on.

For these reasons, the Sponsors will file a "Challenge to Ballot Title Or, in the Alternative, Petition for an Extraordinary Writ" ("Sponsors' Petition") in this Court on May 30, 2007, in which they will ask the Court to resolve the same question that is presented by the Bramble Petition. The Sponsors' Petition is a challenge to the referendum ballot title properly brought by three or more of the sponsors of the referendum petition, as contemplated by Utah law, see Utah Code § 20A-7-308(4)(a)(i), and in the alternative it seeks relief in the form of an extraordinary writ directed to the Office of Legislative Research and General Counsel in connection with that Office's codification of the provisions of H.B. 148. The Sponsors' Petition is the appropriate vehicle through which this Court can and should resolve the question of the scope of the referendum on H.B. 148.

The Sponsors welcome the participation in an appropriate capacity of all interested parties in this Court's consideration of the Sponsors' Petition.

Respectfully submitted this 29th day of May, 2007.



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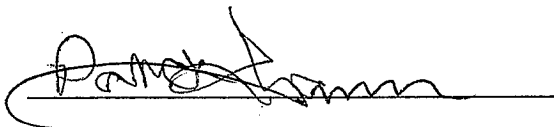
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## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Response of Referendum Sponsors to Petition for Review of Ballot Title on HB 148 and/or for an Extraordinary Writ was served on counsel for petitioners and respondents, at the addresses indicated below, by hand delivery this 29th day of May, 2007:

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A handwritten signature in dark ink, appearing to read "Parr Waddoups", is written over a horizontal line.